

1989

# City of Monticello v. Lee Christensen : Brief of Respondent

Utah Supreme Court

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L. Robert Anderson; Lyle Anderson; Anderson & Anderson; Attorney for Respondent.

Lee Christensen; pro se.

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UTAH SUPREME COURT.

BRIEF

890163

IN THE UTAH SUPREME COURT

CITY OF MONTICELLO

Plaintiff and Respondent,

vs.

LEE CHRISTENSEN,

Defendant and Petitioner.

Case No. 89-0163

Priority No. 2

BRIEF OF RESPONDENT

ON WRIT OF CERTIORARI TO THE UTAH  
COURT OF APPEALS, JUDGES BENCH,  
DAVIDSON AND JACKSON. ON DISMISSAL  
OF PETITIONER'S APPEAL

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Clerk, Supreme Court, Utah

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IN THE UTAH SUPREME COURT

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CITY OF MONTICELLO

Plaintiff and Respondent,

vs.

LEE CHRISTENSEN,

Defendant and Petitioner. |

Case No. 89-0163

Priority No. 2

---

BRIEF OF RESPONDENT

---

ON WRIT OF CERTIORARI TO THE UTAH  
COURT OF APPEALS, JUDGES BENCH,  
DAVIDSON AND JACKSON, ON DISMISSAL  
OF PETITIONER'S APPEAL

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### JURISDICTION

This Court has jurisdiction only to review the decision of the Utah Court of Appeals dismissing the appeal. Because the validity or constitutionality of a statute or ordinance was not raised in the justice court or the circuit court, the Court of Appeals properly dismissed the appeal. If the Court determines that the Utah Court of Appeals improperly dismissed the appeal, respondent is willing, for the sake of economy, that this Court address the other issues raised by appellant.

### STATEMENT OF ISSUES

1. Does the right to appeal from the justice court to the circuit court satisfy defendant's constitutional right of appeal?

2. Does arguing in circuit court that "the State of Utah is not empowered to suspend what the State of Wyoming has granted" constitute challenging the validity or constitutionality of a statute or ordinance in the justice court when that argument was not included in defendant's written motion filed in justice court?

3. Can the State of Utah suspend the privilege of the holder of a Wyoming license certificate to drive in the State of Utah if Wyoming recognizes Utah's right to do so?

## CONSTITUTIONAL PROVISIONS AND STATUTES

Interpretation of the following constitutional provisions and statutes is determinative of this case:

### Constitutional Provisions

Full Faith and Credit shall be given in each State to the public Acts, Records and judicial proceedings of every other State.

U. S. Constitution, Article IV, Section 1.

In criminal cases the accused shall have the right to . . . appeal in all cases . . . .

Utah Constitution, Article I, Section 12.

### Statutes

A person whose operator's license has been suspended or revoked, as provided in this act, and who drives any motor vehicle upon the highways of this state while that license is suspended or revoked, is guilty of a crime, and upon conviction shall be punished as provided for in Section 41-2-30.

Section 41-2-28, Utah Code (1985)

"License" means the privilege to operate a motor vehicle over the highways of this State.

Section 41-2-1(n), Utah Code (1985)

The case shall be tried anew in the circuit court and the decision of the circuit court is final except where the validity or constitutionality of a statute or ordinance is raised in the justice~court.

Section 77-35-26(13) (a), Utah Code (1989)

Except as expressly required by provisions of this compact, nothing contained herein shall be construed to affect the right of any party state to apply any of its other laws relating



to licenses to drive to any person or  
circumstance . . . .

Article VI, Driver's License Compact, Section 41-2-502, Utah Code  
(1989).

The following is the procedure of the issuing  
jurisdiction:

(1) When issuing a citation for a traffic violation, a peace officer shall issue the citation to a motorist who possesses a driver license issued by a party jurisdiction and shall not . . . require the motorist to post collateral to secure appearance if the officer receives the motorist's personal recognizance that he or she will comply with the terms of the citation.

(3) Upon failure of a motorist to comply with the terms of a traffic citation, the appropriate official shall report the failure to comply to the licensing authority of the jurisdiction in which the traffic citation was issued. . . .

(5) The licensing authority of the issuing jurisdiction may not suspend the privilege of a motorist for whom a report has been transmitted.

Nonresident Violator Compact, Section 41-2-603, Utah Code (1989)

(b) Upon receipt of certification that the driving privilege of a resident of this state has been suspended or revoked in any other state pursuant to a law providing for its suspension or revocation for failure to deposit security for the payment of judgments arising out of a motor vehicle accident; or for failure to deposit both security and proof of financial responsibility, under circumstances which would require the division to suspend a nonresident's operating privilege had the accident occurred in this state, the division shall suspend the license of the resident and all of his registrations. Suspension shall continue until the resident furnishes evidence of his compliance with the

law of the other state relating to the deposit of security and until the resident files proof of financial responsibility if required by the law.

Section 31-9-204, Wyoming Statutes (1973).

#### STATEMENT OF THE CASE

##### Nature of the Case

Defendant and appellant Lee Christensen ("Christensen") appealed to the Utah Court of Appeals from the Judgment and Order of Probation entered in the Twelfth (now Seventh) Circuit Court of San Juan County, Utah, Honorable Bruce K. Halliday presiding, on April 21, 1988, after a trial on March 31, 1988. Christensen was convicted of violating an ordinance of the City of Monticello (the "City") adopting Section 41-2-28, Utah Code (1985)<sup>1</sup> on September 3, 1987, by driving a motor vehicle within the City while his license was suspended or revoked. Christensen had appealed to the circuit court from a conviction for the same offense before the Monticello Justice Court.

The Utah Court of Appeals dismissed the appeal for lack of jurisdiction on February 23, 1989, City of Monticello v. Christensen, 769 P.2d 853 (Utah App. 1989), and denied Christensen's petition for rehearing on March 22, 1989. His

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<sup>1</sup>At the time of the violation, the City had adopted by ordinance the Utah Traffic Laws in effect in 1985. Though Christensen was technically convicted of violating the ordinance, this brief will refer to the statutes incorporated by the City's ordinance.

petition for certiorari was filed and served on April 24, 1989.<sup>2</sup>  
This Court granted certiorari on June 12, 1989.<sup>3</sup>

### Statement of Facts

The City does not agree with Christensen's Statement of Facts. Christensen has not furnished a transcript of the proceedings in the circuit court and the assertions in his brief are not evidence.

Christensen's privilege to operate a motor vehicle in Utah was suspended for one year on February 5, 1987. That suspension was for failure to provide security for damages caused by Christensen, as an uninsured motorist, on October 2, 1986. Christensen was driving within the City on September 3, 1987. These are the only relevant facts. Christensen did not testify, nor did he call any witnesses. He was permitted to introduce a copy of his Wyoming driving record, which showed that he had been issued a Wyoming license certificate on July 17, 1984.<sup>4</sup>

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<sup>2</sup>Filing of the petition was due on April 21, 1989, according to the City's calculations, and filing on April 24, 1989, should have been refused pursuant to Rule 45(b), Rules of the Utah Supreme Court.

<sup>3</sup>For some reason, the Clerk of the Utah Supreme Court requested the record from the Seventh Circuit Court, rather than from the Utah Court of Appeals, as Rule 48, Rules of the Utah Supreme Court, would seem to require.

<sup>4</sup>The City does not agree that Christensen had a valid Wyoming license, or that the possession of a Wyoming license certificate creates the presumption of Wyoming residency, as the Court of Appeals stated. City of Monticello v. Christensen, 769 P.2d 853, n. 1 (Utah App. 1989). Christensen has never received mail in Wyoming since this case was filed, and his Wyoming address is a

There is no evidence in the record that Christensen challenged the validity or constitutionality of a statute in the justice court. His Demand for Dismissal<sup>5</sup> filed in the circuit court argues that "the State of Utah is not empowered to suspend what the State of Wyoming has granted. . . ." However, his Demand for Dismissal<sup>6</sup> filed in justice court, identical in all other respects, does not contain such an argument.

Christensen also asserts that he is entitled to special treatment because he appears pro se. In this connection, the City notes that Christensen may have qualified for court appointed counsel, but instead filed a Demand for Counsel,<sup>7</sup> demanding that he be allowed counsel of his own choosing, stating:

Although the defendant fully intends to defend himself and has no need for someone to speak for him or to represent him, the defendant demands that he be able to have someone of his own choice to aid with counsel and other functions of trial.<sup>8</sup>

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recreational vehicle court.

<sup>5</sup>Reproduced in Appendix.

<sup>6</sup>Reproduced in Appendix.

<sup>7</sup>Reproduced in Appendix.

<sup>8</sup>It became evident at both trials that the person of Christensen's choice was his sister, who is apparently not a lawyer, but a legal assistant. The City believes that the sister is responsible for preparation of all documents filed in this case.

### SUMMARY OF ARGUMENT

Christensen's right of appeal was satisfied by the trial de novo before the circuit court. The validity or constitutionality of a statute was not raised in either the justice court or the circuit court, thus depriving the Utah Court of Appeals of jurisdiction. Christensen's constitutional Full Faith and Credit Clause claim should not be addressed because it was raised for the first time on appeal to the Utah Court of Appeals. Assuming that the merits of Christensen's arguments about Utah's power to suspend his driving license or privilege are addressed, they should be rejected.

### ARGUMENT

#### I. CHRISTENSEN'S RIGHT OF APPEAL WAS SATISFIED BY THE CIRCUIT COURT TRIAL.

Article I, Section 12, of the Utah Constitution guarantees the accused a right to appeal in all cases. Prior to its amendment effective July 1, 1985, Article VIII, Section 9, of the Utah Constitution clearly provided that, for cases originating in justice courts, this right was satisfied<sup>9</sup> by the right of appeal to district courts,<sup>10</sup> except where the constitutionality or validity of a statute was involved. None of

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<sup>9</sup>State v. Lyte, 75 Utah 283, 284 P.1006 (1930).

<sup>10</sup>Appellate jurisdiction over justice courts has since been transferred to circuit courts. Section 78-4-7.5, Utah Code (1989).

the cases decided under pre-1985 law suggests that the trial de novo before the district courts does not constitute an appeal.<sup>11</sup>

Article VIII, Section 5 of the Utah Constitution now provides that "there shall be in all cases an appeal of right from the court of original jurisdiction to a court with appellate jurisdiction over the cases." In this case, the justice court was the court of original jurisdiction, and the circuit court was the court with appellate jurisdiction. Christensen's constitutional right of appeal was satisfied.

II. CHRISTENSEN'S APPEAL TO THE UTAH  
COURT OF APPEALS WAS PROPERLY  
DISMISSED FOR LACK OF JURISDICTION.

Section 77-35-26(13), Utah Code (1989) provides that where an appeal is taken to the circuit court from a judgment rendered in justice court:

[T]he decision of the circuit court is final except where the validity or constitutionality of a statute or ordinance is raised in the justice court.

Christensen contends that he challenged the validity and constitutionality of a statute in the courts below. However, the only part of the record remotely suggesting such a challenge is his written argument to the circuit court that "the State of Utah is not empowered to suspend what the State of Wyoming has

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<sup>11</sup>See, e.g. State v. Van Gervan, 647 P.2d 1377 (Utah 1983); State v. Munger, 642 P.2d 721 (Utah 1982).

granted."<sup>12</sup>

The Utah Court of Appeals properly concluded that Christensen had not challenged the constitutionality or validity of a statute or ordinance in the justice court. He did not identify any statute or ordinance as invalid, nor did he identify the constitutional provision on which he relied. His challenge, as far as could be determined, was actually based on the statutory interpretation argument that Utah could not suspend Christensen's Utah license since he did not have a Utah license to suspend.<sup>13</sup>

Christensen's failure to identify the faulty statute or the constitutional provision on which he relied deprived both the justice and circuit courts of the opportunity to consider and rule on a possibly dispositive question. The seemingly endless litigation that followed may have been avoided.<sup>14</sup>

Challenges to suspension of non-resident driving privileges based on the Commerce Clause, the Equal Protection

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<sup>12</sup>This argument to the circuit court was not included in the Demand for Dismissal filed in justice court. One must therefore conclude that this argument was not raised in the justice court.

<sup>13</sup>See New Hampshire v. French, 117 N.H. 785, 378 A.2d 1377 (1977), cited by Christensen in his brief.

<sup>14</sup>The City may also have decided, if the Full Faith and Credit challenge had been raised in justice or circuit court, to abandon prosecution of this case. The litigation resources of the City of Monticello are limited, as evidenced by the fact that its attorneys have acted without compensation in this matter since certiorari was granted.

Clause, and the Privileges and Immunities Clause were all addressed and rejected in Hendrick v. Maryland, 235 U.S. 611 (1915). Since then, the right of states to suspend non-resident driving privilege has been routinely upheld.<sup>15</sup> As far as the City can determine, a challenge based on the full Faith and Credit Clause has never been decided. The Utah Court of Appeals properly deferred ruling on this claim until a case arrives in which the issue is properly presented.

III. UTAH HAS THE POWER TO SUSPEND  
CHRISTENSEN'S LICENSE OR PRIVILEGE  
TO DRIVE IN UTAH.

It is clear that Christensen's challenge to his conviction is based primarily on statutory interpretation, especially in the justice and circuit courts. Even now, Christensen relies on a case from New Hampshire holding that a non-resident whose operating privileges have been revoked cannot be convicted of driving on a suspended license, since driving privilege and license are not synonymous.<sup>16</sup> This reliance is misplaced.

In New Hampshire v. French, the driver, a resident of

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<sup>15</sup>District of Columbia v. Fred, 281 U.S. 49 (1930); Connecticut v. Roy, 23 Conn. Supp. 26, 176 A.2d 66 (Conn. App. 1961); People v. Matas, 200 Cal. App. 3d, 264 Cal. Rptr. 627 (1988); State v. Harkness, 189 Kan. 581, 370 P.2d 100 (1962); State v. Dalton, 13 Wash. App. 94, 533 P.2d 864 (1975); State v. Justesen, 63 Or. App. 544, 665 P.2d 380 (1983) review denied 295 Or. 846, 671 P.2d 1176 (1983).

<sup>16</sup>New Hampshire v. French, 117 N.H. 785, 378 A.2d 1377 (1977).



New York, was convicted of driving under the influence and her right to operate a vehicle in New Hampshire was revoked for 90 days. The Court held that she could not be convicted of driving while her license was revoked because her New York license was not revoked, only her right to operate in New Hampshire. The Court noted:

Other states have statutes . . . proscribing only driving after suspension or revocation of one's license, but . . . defin[e] license to include "any non resident operating privilege." Our legislature may draft a statute similar or identical to the ones above in order to cover cases like<sup>17</sup> the one before us. The judiciary may not.

The Utah Legislature has drafted such a statute. Section 41-2-1(n), Utah Code (1985), now Section 41-2-102(9), Utah Code (1989) defines license as "the privilege to operate a motor vehicle in this state." Section 41-2-28 can thus be restated to say that a person whose privilege to operate a motor vehicle in this state (whether or not evidenced by a license certificate) has been suspended or revoked, and who drives any motor vehicle upon the highways of this state is guilty of a crime.

The rule of law applicable to this case is stated in Connecticut v. Roy, 23 Conn. Supp., 176 A.2d 66 (Conn. App. 1961):

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<sup>17</sup>Id., 117 N.H. 785 at 788.

Donald Roy, Massachusetts operator, by virtue of §14-39 is entitled to the rights and privileges accorded to Donald J. Roy, Connecticut operator, a person whose right to operate a motor vehicle in Connecticut has been suspended. Equivalent right does not mean additional right, and the provisions of §14-39 were not intended to be, and cannot be, used as a back door means of obtaining restoration of a suspended license.<sup>18</sup>

The Full Faith and Credit Clause does not prohibit a suspension of non-resident driving privileges under the circumstances of this case. Though Utah may not deny to non-residents licensed by their states the right to drive on Utah Highways simply because they are non-residents, it ought to be able to, and indeed should, require that they comply with Utah's traffic laws. Christensen failed to comply with Utah's law requiring him to furnish security for damages caused by an accident in which he was at fault and uninsured, and his privilege to drive in Utah was consequently suspended.

The very Wyoming statute cited by Christensen in his brief shows that Wyoming recognizes the rights of other states to suspend the privileges of Wyoming residents and license holders to drive in those other states. Section 31-9-204, Wyoming Statutes (1973) requires Wyoming officials to suspend the license

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<sup>18</sup>Connecticut v. Roy, 23 Conn. Supp. 26, 176 A.2d 66 at 68 (Conn. App. 1961). See also People v. Matas, 200 Cal. App. 3d, 264 Cal. Rptr. 627 (1988); State v. Harkness, 189 Kan. 581, 370 P.2d 100 (1962); State v. Dalton, 13 Wash. App. 94, 533 P.2d 864 (1975); State v. Justesen, 63 Or. App. 544, 665 P.2d 380 (1983) review denied 295 Or. 846 671 P.2d 1176 (1983).

of a Wyoming resident whose privilege to drive in another state is suspended by that state for failure to deposit security, precisely the situation in this case.<sup>19</sup>

In State v. Justesen, 63 Or. App. 544, 665 P.2d 380 (1983), review denied, 295 Or. 846, 671 P.2d 1176 (1983), the Oregon Court of Appeals noted that:

"The right of a state to regulate the use of its highways by nonresidents in order to protect public safety has been recognized almost from the time the automobile was invented."<sup>20</sup>

but that:

[W]e are not aware of any cases dealing with a full faith and credit challenge to the revoking state's authority.<sup>21</sup>

In Justesen, the Court declined to address the Full Faith and Credit challenge because both Oregon and Washington (the resident state) were parties to the Drivers License Compact. Citing Article V(2) of the Compact (found in Section 41-2-502, Utah Code (1989)) the Court concluded that Washington recognized the right of Oregon to suspend the Oregon driving privileges of Washington residents. While Wyoming was apparently not a member

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<sup>19</sup>The City has no idea why this suspension by Wyoming did not occur. Perhaps it was because Wyoming was not then a member of the Driver's License Compact and means for communication between Utah and Wyoming were poor.

<sup>20</sup>State v. Justesen, 63 Or. App. 544, 665 P.2d 380 at 383 (1983).

<sup>21</sup>Id., 665 P.2d 380 at 383.

of the Drivers License Compact in 1987, its law clearly recognized the right of other states to suspend the non-resident driving privileges of Wyoming residents for failure to comply with financial responsibility laws.<sup>22</sup> This Court, like the Oregon Court of Appeal, need not consider the Full Faith and Credit question, because the Wyoming license certificate, necessarily limited by Wyoming law, was issued subject to Utah's right to suspend the appurtenant non-resident operating privileges.

IV. NOTHING IN UTAH LAW PROHIBITS THIS  
SUSPENSION.

Christensen cites the Drivers' License Compact, Sections 41-2-501 et seq., Utah Code (1989) and the Nonresident Violator Compact, Sections 41-2-601 et seq., Utah Code (1989) for the proposition that Utah cannot suspend his non-resident operating privileges. Wyoming had not adopted the Driver's License Compact at the time of Christensen's conviction. Even if applicable, nothing in the Drivers' License Compact declares that Utah may not suspend or revoke nonresident operator privileges. To the contrary, the Drivers' License Compact specifically provides in Article VI that "nothing contained herein shall . . . affect the right of any party state to apply any of its other

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<sup>22</sup>Section 31-9-204, Wyoming Statute (1973).

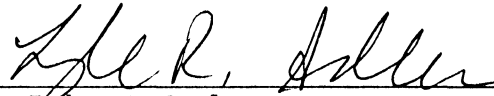
laws relating to licenses to drive to any person or circumstance  
. . . . "

Christensen asserts that Section 41-2-603(5) of the Nonresident Violator Compact bars Utah from suspending his license. There is no evidence that Wyoming was a part of this compact at the time of conviction. Even if applicable, a reading of the entire section makes clear that the report referred to is a report that a motorist has not complied with the terms of a traffic citation. In other words, a compact state may not suspend the driving privilege of a nonresident motorist for failing to appear in response to a citation, but must instead report to the jurisdiction of residence, which will initiate a suspension action. This section does not restrict suspensions for violation of traffic laws.

#### CONCLUSION

Christensen's right of appeal was satisfied by the circuit court trial de novo. The Utah Court of Appeals properly dismissed his appeal for lack of jurisdiction. If the merits of his challenge to his conviction are reached, they must be rejected, because Utah has the right to, and properly did, suspend his privilege to drive in this state. The conviction should therefore be affirmed.

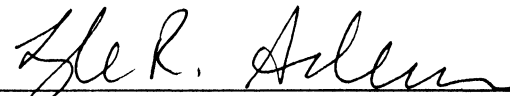
DATED this 10<sup>th</sup> day of August, 1989.

  
\_\_\_\_\_  
L. Robert Anderson  
Lyle R. Anderson  
ANDERSON & ANDERSON, P.C.  
Attorneys for City  
P. O. Box 275  
Monticello, Utah 84535

CERTIFICATE OF MAILING

I hereby certify that I mailed four copies of the foregoing Brief of Respondent to the defendant by first-class mail, postage prepaid, on the 10<sup>th</sup> day of August, 1989, addressed as follows:

Mr. Lee Hatfield Christensen  
c/o Norman Christensen  
965 South 15th East  
Salt Lake City, Utah 84105

  
\_\_\_\_\_  
Lyle R. Anderson

LCHRIS.BRF

## APPENDIX

Lee Christensen  
225 Hwy 30 East  
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mailing  
C/O Norman Christensen  
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Salt Lake City , Utah 84105

---

TO THE JUSTICE OF THE PEACE COURT OF MONTICELLO, COUNTY OF SAN JUAN, STATE OF UTAH

---

City of San Juan,	)	
Paintiff	(	
	)	DEMAND FOR DISMISSAL
v.	(	
	)	Case No. 21786
Lee Christensen,	)	
Defendant	(	

---

Comes now the defendant to demand that the charges in the above entitled case be dismissed against him.

Defendant states to support motion, defendant is charged with DRIVING UNDER SUSPENSION, UC 41-2-28, as adopted by Ordinance in the city of Monticello. This Code does not apply to the defendant. The defendant is not a resident of the state of Utah and has not had his Utah License suspended.

Furthermore, defendant has now, did have at time of citation a Valid Wyoming License(Copy of Extract enclosed)., and is a resident of Wyoming. According to Information, and Discovery, the prosecution is basing it's case on a letter from the Dept. of Public Safety, wherein it states that defendant's "Privilege" is suspended. This only means that defendant may not have a Utah Driver's License until the time specified is over. Defendant has not applied for a Utah Driver's License.

Therefore defendant demands dismissal of charges.



Dated this 15th day of November, 1987.

Respectfully Submitted

~~LEE CHRISTENSEN~~

ORAL ARGUMENT DEMANDED.

CERTIFICATE OF MAILING

I do certify that the foregoing Demand for Dismissal, were sent certified mail to the prosecuting attorney, Mr. Lyel Anderson P. O. Box 275, Monticello, Utah 84535.

Lee Christensen  
Lee Christensen.

11/17/87

Lee Christensen  
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Salt Lake City, Utah 84105

IN THE TWELTH CIRCUIT COURT OF SAN JUAN COUNTY,  
STATE OF UTAH, MONTICELLO DEPARTMENT

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CITY OF MONTICELLO,  
Plaintiff

V.

LEE CHRISTENSEN,  
Defendant

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DEMAND FOR DISMISSAL

Criminal No. 88-CR-004

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Comes now the defedant to demand that the charges in the  
above entitled case be dismissed against him.

Defendant states to support motion, that defendant is charged  
with DRIVING UNDER SUSPENSION, UC 41-2-28, as adopted by Ordinance  
in the city of Monticello.

Defendant is not a resident of Utah, but of Wyoming, and  
does not have a Utah Drivers license. Further, he does have, and  
did have a valid Wyoming license, which was ented into evidence  
in the Justice Court.

According to Information, Prosecution is basing it's case  
on a letter from the Dept. of Public Safety, wherin it states that  
the defendant's "Privelege" is suspended. This only means that  
the defendant may not apply for a Utah Lisence until that suspension  
is over. Since the defendant is not applying for an Utah Lisence

and since the State of Utah is not empowered to suspend what the State of Wyoming has granted, the defendant demands that the charges against him be dropped.

ORAL ARGUMENT DEMANDED.

Dated this 22nd day of March, 1988.

Respectfully Submitted,

Lee Christensen  
Lee Christensen

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CERTIFICATE OF MAILING

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I do certify that the foregoing Demand for Dismissal, as well as Demand for Counsel, were sent certified mail to the prosecuting attorney, Mr. Lyle Anderson P.O. Box 275, Monticello, Utah 84535.

Lee Christensen  
Lee Christensen

Lee Christensen  
c/o NormAN Christensen  
965 So. 15th East  
Salt Lake City, Utah 84105

Residence 225 Hwy 30 East  
Evanston, Wyoming

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THE CITY OF MONTICELLO,  
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V.

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DEMAND FOR COUNSEL

CRIMINAL NO. 88-CR-004

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Comes now the defendant to demand that he be allowed counsel, of his own choising. Although the defendant fully intends to defend himself and has no need for someone to speak for him, or to represent him, the defendant demands that he be able to have someone of his own choice to aid him with counsel and other functions of the trial.

Defendant claims this right under the Constitution of the United States, and asserts that this aid is imperitive if he is to defend himself to the best of his ability.

Dated this 21st day of March, 1988.

RESPECTFULLY SUBMITTED.

  
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Lee Christensen